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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/691,413      | 10/18/2000  | Sang-Hee Lee         | C34037/118297       | 4314             |

7590 11/25/2002

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EXAMINER

CHEN, WENPENG

ART UNIT

PAPER NUMBER

2624

DATE MAILED: 11/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/691,413

Applicant(s)

LEE ET AL.

Examiner

Wenpeng Chen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) 2-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 30-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**Examiner's responses to Applicant's remark**

1. Applicant's arguments with respect to Claims 1-2 have been considered but are moot in view of the new ground(s) of rejection due to the amendments.

2. Applicants' arguments filed on 9/13/2002 have been fully considered but they are not persuasive. The Applicants alleged that the Examiner did not point out the specific section of the cited reference in making the 35 U.S.C. 102(e) set forth in paper #3. The Examiner has cited explicitly that the passage in column 7, lines 5-21 of Haskell et al. patent (US patent 6,005,622) teaches the features recited in the original Claims 1-2. The evidence is very clearly shown in the cited 17 lines.

***Claim Objections***

3. Claims 30, 34, 38, and 42 are objected to because of the following informalities:  
-- In Claims 1, 33, 37, and 41, the term "left upper block" is used, but a term "the upper left block" is referred in Claims 30, 34, 39, and 43. These two terms must make in agreement with each other.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

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4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 30, 34, 38, and 42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for the reason given below.

There are too many antecedent bases for the following limitations. Which are the correct antecedent bases.

-- Claim 30 recites the limitations "the first value" and "the second value" in line 7. They have two different antecedent bases.

Claim 1 recites "a first value" and "a second value" in line 3. Claim 30 recites "a first value" in line 3 and "a second value" in line 5. Because the terms "a first value" and "a second value" of Claim 30 have definitions of the terms "a second value" and "a first value" of Claim 1, the terms "the first value" and "the second value" in line 7 of Claim 30 have two different antecedent bases.

-- Similar problems also exist between Claims 33 and 34, between Claims 37 and 38, between Claims 41 and 42.

#### *Claim Interpretation*

6. For the purpose of examining the pending claims over the prior art, the Examiner made the following interpretations.

-- In Claims 30, 34, 38, 42, "the upper left block" is changed to "the left upper block".

-- In Claims 30, 34, 38, and 42, "first value" is switch with the "second value".

***Claim Rejections - 35 USC § 101***

7. Claims 41, 43, and the interpreted Claim 42 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The listed claims claim data stream that are non-functional descriptive material (mere data) per se.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

9. Claims 1, 31-33, 35-37, 39-41, 43 and the interpreted 30, 34, 38, 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Haskell et al. (US patent 6,005,622 cited previously.)

Haskell et al. (US patent 6,005,622) claims continuation to provisional application No. 60/026,963, filed on 9/20/1996. Provisional application No. 60/026,963 teaches the subject matter recited in Claims 1-2.

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Haskell teaches a block based video coding method and apparatus comprising the step/means for:

-- selecting one of DC values of a left block (B3) and a upper block (B2) of a target block (B) based on comparison result of a first value and a second value, the first value being a difference between DC values of a left upper block (B1) and the left block (B3), the second value being a difference between DC values of a left upper block (B1) and the upper block (B2); (Fig. 5; column 7, lines 5-21; The blocks A, B, C, and X of Fig. 5 are the left, left upper, upper, and target blocks, respectively. The  $DC_A$ ,  $DC_B$ ,  $DC_C$ ,  $DC_X$ , are the DC values of the left, left upper, upper, and target blocks, respectively. The combination of steps 1020, 1030, and 1040 in Fig. 5 selects the one of DC values based on the two values generated in steps 1000 and 1010 of Fig. 5. The values are differences recited in Claim 1 of the present application. The citation teaches "selecting one of DC values of a left block A and a upper block C of a target block X based on comparison result of a first value and a second value, the first value being a difference between DC values of a left upper block B and the left block A, the second value being a difference between DC values of a left upper block B and the upper block C.")

-- predicting, by assigning, the selected DC value as a DC value of the target block (B), thereby generating a predictive DC value of the target value; (Fig. 5; column 4, lines 15-41; column 7, lines 5-21; In step 1030 and 1040 of Fig. 5, either  $DC_A$ , or  $DC_C$  is selected as the predicted DC value of the target block X for generating the DC residual.)

-- obtaining a second value which is a difference between DC values of the left upper block ( $DC_{B1}$ ) and the upper block ( $DC_{B2}$ ); (column 4, lines 15-41)

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-- obtaining a first value which is a difference between DC values of the left upper block (DC\_B1) and the left block (DC\_B3); (column 4, lines 15-41)

-- comparing the second value with the first value; (column 4, lines 27-41)

-- selecting the DC values of the upper block (DC\_B2), if the second value is larger than the first value; (column 4, lines 27-41)

-- selecting the DC values of the left block (DC\_B3), if the second value is smaller than the first value; (column 4, lines 27-41)

-- wherein the second and first values are absolute values; (When two gradients are compared to determine which one is larger, the magnitudes of the two gradients are compared. Therefore, Haskell's first and second values are absolute values.)

-- performing DPCM coding on the predictive DC value and the DC value of the target block, therefore generating video information; (column 1, lines 12-20; column 3, lines 12-17; column 4, lines 42-46; The coding using DC residual signal of Block X is DPCM coding.)

-- transmitting the video information to a decoder; (column 3, lines 12-17; Figs. 1A and 1B)

-- apparatus. (Fig. 3)

Evidently, above citations also teach the data stream recited in Claims 41-43.

### **Conclusion**

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10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wenpeng Chen whose telephone number is 703 306-2796. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K Moore can be reached on 703 308-7452. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications. TC 2600's customer service number is 703-306-0377.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-4700.



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Wenpeng Chen  
Examiner  
Art Unit 2624

November 21, 2002

A handwritten signature in black ink, appearing to read 'Wenpeng Chen', written in a cursive style.